United Nations A/63/715

General Assembly

Distr.: General
10 February 2009

Original: English

**Sixty-third session**
Agenda item 118
**Programme budget for the biennium 2008-2009**

# Standards of accommodation for air travel

## Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the standards of accommodation for air travel (A/63/524) and met with representatives of the Secretary-General, who provided additional information.

2. The report of the Secretary-General was submitted in accordance with General Assembly resolution 42/214 of 21 December 1987 and other subsequent resolutions and decisions. The report provides information on the use of first-class travel by delegations and by the President of the General Assembly, as well as exceptions to the standards of accommodation for air travel authorized by the Secretary-General for the two-year period ended 30 June 2008 and comparative statistics for the two-year period ended 30 June 2006.

3. The standards of air travel at the United Nations are governed by a series of General Assembly resolutions and decisions, including resolutions 42/214, 45/248 A and 53/214[1] and decisions 40/555, 44/442, 46/450 and 57/589. Pursuant to the discretionary authority vested in the Secretary-General to authorize exceptions to air travel on a case-by-case basis to first-class and business-class travel by air in special circumstances that so warrant (see A/63/254, para. 5), the Secretary-General has promulgated administrative instructions for the purpose of implementing the various staff rules relating to the standards of accommodation for air travel and the exceptions thereto, the most recent of which is ST/AI/2006/4 and Amend.1.

4. For the period 2006-2008, 243 exceptions were authorized, representing an additional cost of $537,654. For the period 2004-2006, 217 exceptions were authorized at an additional cost of $451,930 (see A/63/524, tables 1-4). Thus, the number of exceptions to the standards of accommodation for air travel increased by

[1] In resolution 53/214, sect. IV, para. 14, the General Assembly decided that the President of the Assembly should have full authority to use the funds provided by the budget for the Office of the President, including travel.

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12 per cent from one period to the next, while the additional cost increased by 16 per cent. The Advisory Committee notes from additional information provided to it that a large part of the increase in exceptions for the period 2006-2008 is attributable to the travel of security officers accompanying the Secretary-General. The Committee was also provided with a graph showing the cost and number of exceptions from 1990 to 2008.

5. **In the Committee's view, the purely statistical presentation in the Secretary-General's report is of limited usefulness. It therefore recommends that future biennial reports on this issue contain an analysis of the reasons for the increases and/or decreases in the number of exceptions, taking into account such issues as industry trends and security requirements, as well as other related matters.**

6. In this connection, the Advisory Committee reiterates that exceptions should be carefully scrutinized and recalls its recommendation that the General Assembly request an audit by the Office of Internal Oversight Services of all categories of exceptions authorized within the framework of standards of accommodation for air travel (A/61/661, para. 4; see also General Assembly resolution 62/238, sect. XV). Upon enquiry, the Committee was informed that the requested audit review was expected to be finalized by April 2009.

7. The Advisory Committee further recalls its recommendation that the Secretary-General be requested to submit a comprehensive report, on the basis of a review by the United Nations System Chief Executives Board for Coordination (CEB) and specific proposals, with a view to harmonizing standards of travel for staff of the United Nations common system, indicating the measures that can be implemented under the authority of the Secretary-General, as well as those that will require the approval of the General Assembly (A/62/351, para. 5). **The Committee recommends that the comprehensive report also take into account the recommendations of the above-mentioned audit review by the Office of Internal Oversight Services.**

8. Upon enquiry, the Advisory Committee was informed that, in response to General Assembly resolution 62/238 (sect. XV, para. 5), CEB is reviewing the policies and practices of travel across the United Nations system with a view to proposing steps towards harmonization. The Committee was also informed that the CEB secretariat convened, in October 2008, the first meeting of the joint Human Resources/Finance and Budget Network working group on standards of accommodation for air travel. The working group is expected to present a progress report to the High-level Committee on Management at its meeting in September 2009. **In the Committee's view, an update on the status of the CEB review should have been included in the report of the Secretary-General on the standards of accommodation for air travel.**

9. **Bearing in mind that a comprehensive report by the Secretary-General is awaited (see para. 7 above), the Advisory Committee recommends that the General Assembly take note of the Secretary-General's report on the standards of accommodation for air travel (A/63/524).**

United Nations A/63/716

General Assembly

Distr.: General
12 February 2009

Original: English

**Sixty-third session**
Agenda item 64 (b)
**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

# Note verbale dated 10 February 2009 from the Permanent Missions to the United Nations of Afghanistan, the Bahamas, Bahrain, Bangladesh, Barbados, Botswana, Brunei Darussalam, the Central African Republic, Chad, China, the Comoros, the Democratic People's Republic of Korea, Dominica, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, the Gambia, Grenada, Guinea, Guyana, Indonesia, Iran (Islamic Republic of), Iraq, Kuwait, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Malaysia, Maldives, Mongolia, Myanmar, the Niger, Nigeria, Papua New Guinea, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Somalia, the Sudan, Swaziland, the Syrian Arab Republic, Thailand, Tonga, Trinidad and Tobago, Uganda, the United Arab Emirates, Yemen and Zimbabwe addressed to the Secretary-General

The permanent missions to the United Nations in New York listed below have the honour to refer to General Assembly resolution 63/168, entitled "Moratorium on the use of the death penalty", which was adopted by the Third Committee on 20 November 2008, and subsequently by the General Assembly on 18 December 2008 by a recorded vote. The Permanent Missions wish to place on record that they are in persistent objection to any attempt to impose a moratorium on the application of the death penalty or its abolition in contravention to existing stipulations under international law, for the following reasons:

(a) There is no international consensus that the death penalty should be abolished. The votes on this resolution in the sixty-third session of the General Assembly have once again confirmed this fact, and that the issue continues to be a divisive one. Article 6 of the International Covenant on Civil and Political Rights states, inter alia, that "in countries which have not abolished the death penalty,

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sentences of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime";

(b) This view was reflected previously in:

(i) The note verbale contained in document A/62/658, in which 58 delegations expressed their persistent objection to any attempt to impose a moratorium on the application of the death penalty or its abolition in contravention to existing stipulations under international law, following the adoption of General Assembly resolution 62/149;

(ii) The joint statement contained in document E/CN.4/2005/G/40, in which 66 delegations disassociated themselves from Commission on Human Rights resolution 2005/59;

(iii) The joint statement contained in document E/CN.4/2004/G/54, in which 64 delegations disassociated themselves from Commission on Human Rights resolution 2004/67;

(iv) The joint statement contained in document E/CN.4/2003/G/84, in which 63 delegations disassociated themselves from Commission on Human Rights resolution 2003/67L;

(v) The joint statement contained in document E/CN.4/2002/198, in which 62 delegations disassociated themselves from Commission on Human Rights resolution 2002/77;

(vi) The joint statement contained in documents E/CN.4/2001/161 and Corr.1, in which 61 delegations disassociated themselves from Commission on Human Rights resolution 2001/68;

(vii) The joint statement contained in document E/CN.4/2000/162, in which 51 delegations disassociated themselves from Commission on Human Rights resolution 2000/65;

(viii) The joint statement contained in document E/1999/113, in which 50 delegations disassociated themselves from Commission on Human Rights resolution 1999/61;

(ix) The joint statement contained in documents E/1998/95 and Add.1, in which 54 delegations disassociated themselves from Commission on Human Rights resolution 1998/8;

(x) The joint letter contained in documents E/CN.4/1998/156 and Add.1, in which 51 delegations expressed their reservations prior to the adoption of Commission on Human Rights resolution 1998/8; and

(xi) The joint statement contained in document E/1997/106, in which 31 delegations disassociated themselves from Commission on Human Rights resolution 1997/12;

(c) In his statement to the plenary of the Rome Diplomatic Conference of Plenipotentiaries on the Establishment of the International Criminal Court on 17 July 1998, the President of the Conference declared that the debate at the Conference on the issue of which penalties should be applied by the Court showed that there is no international consensus on the inclusion or non-inclusion of the death penalty, and further that not including the death penalty in the Rome Statute

would not in any way have a legal bearing on national legislations and practices with regard to the death penalty, nor should it be considered as influencing, in the development of customary international law or in any other way, the legality of penalties imposed by national systems for serious crimes. Accordingly, the Rome Statute of the International Criminal Court, which is only applicable to States parties, maintains that nothing in part 7 of the Statute affects the application by States of penalties prescribed by their national law, nor the law of States which do not provide for penalties prescribed in this part;

(d) Capital punishment has often been characterized as a human rights issue in the context of the right of the convicted prisoner to life. However, it is first and foremost an issue of the criminal justice system and an important deterring element vis-à-vis the most serious crimes. It must therefore be viewed from a much broader perspective and weighed against the rights of the victims and the right of the community to live in peace and security;

(e) Every State has an inalienable right to choose its political, economic, social, cultural and legal justice systems, without interference in any form by another State. Furthermore, the purposes and principles of the Charter of the United Nations, in particular Article 2, paragraph 7, clearly stipulates that nothing in the Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State. Accordingly, the question of whether to retain or abolish the death penalty should be carefully studied by each State, taking fully into account the sentiments of its own people, state of crime and criminal policy. It is improper to make a universal decision on this question or to prescribe to Member States actions that fall within their domestic jurisdiction, or attempt to change, by way of a General Assembly resolution, the stipulations under international law that were reached through a comprehensive negotiation process;

(f) Some Member States have voluntarily decided to abolish the death penalty, whereas others have chosen to apply a moratorium on executions. Meanwhile, many Member States also retain the death penalty in their legislations. All sides are acting in compliance with their international obligations. Each Member State has decided freely, in accordance with its own sovereign right established by the Charter, to determine the path that corresponds to its own social, cultural and legal needs, in order to maintain social security, order and peace. No side has the right to impose its standpoint on the other.

The Permanent Missions to the United Nations listed below wish to request the circulation of the present note as a document of the General Assembly.

1. Afghanistan
2. Bahamas
3. Bahrain
4. Bangladesh
5. Barbados
6. Botswana
7. Brunei Darussalam
8. Central African Republic
9. Chad

10. China
11. Comoros
12. Democratic People's Republic of Korea
13. Dominica
14. Egypt
15. Equatorial Guinea
16. Ethiopia
17. Eritrea
18. Fiji
19. Gambia
20. Grenada
21. Guinea
22. Guyana
23. Indonesia
24. Iran (Islamic Republic of)
25. Iraq
26. Kuwait
27. Lao People's Democratic Republic
28. Libyan Arab Jamahiriya
29. Malaysia
30. Maldives
31. Mongolia
32. Myanmar
33. Niger
34. Nigeria
35. Papua New Guinea
36. Qatar
37. Saint Kitts and Nevis
38. Saint Lucia
39. Saint Vincent and the Grenadines
40. Saudi Arabia
41. Singapore
42. Solomon Islands
43. Somalia
44. Sudan
45. Swaziland
46. Syrian Arab Republic
47. Thailand

48. Tonga
49. Trinidad and Tobago
50. Uganda
51. United Arab Emirates
52. Yemen
53. Zimbabwe